

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Glenoaks Station Post Office
Burbank, California

Docket No. A2013-5

PUBLIC REPRESENTATIVE COMMENTS
(August 15, 2013)

I. INTRODUCTION

Nine petitioners claim the Postal Service failed to properly consider the effect on the community that would result from closing the Glenoaks Station Post Office in Burbank, CA (Glenoaks Station). The Postal Service has filed a motion asserting the appeal should be dismissed for lack of ripeness and subject matter jurisdiction.¹ The Public Representative filed a response to the Postal Service's Motion to Dismiss. Should the Commission deny the Postal Service's Motion to Dismiss, the Public Representative is filing these comments analyzing the Postal Service's decision to close Glenoaks Station as a closure governed by 39 U.S.C. § 404(d).

After careful review of the materials submitted in this docket, the Public Representative concludes the Postal Service considered the requisite factors of 39 U.S.C. § 404, and its determination to discontinue service from the Glenoaks Station should be affirmed.

¹ Motion of United States Postal Service to Dismiss Proceedings, July 15, 2013 (Motion to Dismiss).

II. PROCEDURAL HISTORY

On July 3, 2013, the Commission received petitions from Charlotte E. Costan, Linda Ly, Anna May Nelson, Sharon Wright, and Sharyn Engel, and on July 8, 2013, a sixth appeal from Victoria Lova, objecting to the closing of the Glenoaks Station Post Office (collectively, Petitioner Group One).² On July 5, 2013, the Commission issued Order No. 1772, accepting the appeals, directing the Postal Service to file an administrative record by July 15, 2013, establishing a procedural schedule, and naming the undersigned Public Representative.³

On July 15, 2013, the Postal Service filed the Administrative Record with the Commission regarding Postal Service Docket Number 1364982-91504.⁴ The Final Determination regarding Glenoaks Station was submitted as the Administrative Record's last item, though it was not included on the Administrative Record's Document List. AR at 1. Later that same day, the Postal Service filed a motion requesting to dismiss the proceedings for lack of ripeness and subject matter jurisdiction.⁵ On July 16, 2013, the Commission filed a Notice of Errata that revised the expiration date of the Commission's 120-day decisional schedule from October 30, 2013 to October 18, 2013.⁶

On July 18 and July 19, 2013, the Postal Service filed a Notice of Errata to its Motion to Dismiss,⁷ and supplemental documents for inclusion in the Administrative

² Petition for Review Received from Charlotte E. Costan Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 3, 2013 (Costan Petition); Petition for Review Received from Anna May Nelson Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 3, 2013 (Nelson Petition); Petition for Review Received from Sharon Wright Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 3, 2013 (Wright Petition); Petition for Review Received from Linda Ly Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 3, 2013 (Ly Petition); Petition for Review Received from Sharyn Engel Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 3, 2013 (Engel Petition); Petition for Review Received from Victoria Lova Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 8, 2013 (Lova Petition). Attached to the Lova Petition is an unstamped copy of the Postal Service's Notice of Final Determination.

³ Notice and Order Accepting Appeal and Establishing Procedural Schedule, July 5, 2013 (Order No. 1772).

⁴ The Administrative Record is attached to the United States Postal Service Notice of Filing Administrative Record, July 15, 2013 (AR).

⁵ Motion to Dismiss at 1.

⁶ Notice of Errata, July 16, 2013 (Errata).

⁷ Notice of the United States Postal Service of Filing Errata, July 18, 2013 (Notice Errata).

Record, including a revised Document List and revised Final Determination.⁸ On July 19, 2013, three new petitions opposing the closing of Glenoaks Station were filed by Sharon Galluccio, Marlene Keables Benda, and Shari Bloch (collectively, Petitioner Group Two).⁹

Responses to the Motion to Dismiss were filed by the Public Representative and Petitioner Benda on July 23 and 29, 2013, respectively.¹⁰ The Postal Service filed a surreply to Petitioner Benda's response.¹¹ Participant Statements were filed by petitioners Galluccio and Lovas on July 31, 2013, and petitioner Wright on August 5, 2013.¹²

To date, the Commission has not issued an order regarding the Postal Service's Motion to Dismiss and resolving the issue of which set of petitions is valid. Therefore, the petitions of Set One and Set Two Petitioners will be given equal weight in this filing.

III. STATEMENTS OF FACTS

Glenoaks Station is located in Burbank, California at 1634 North San Fernando Boulevard, in an unincorporated area in Los Angeles County. It provides delivery and retail service to 416 post office box or general delivery customers and no delivery route customers. AR Item No. 1; AR Supp Item 36 at 3. The retail window transactions average 838, accounting for 1,079 minutes of retail workload, daily. *Id.* The past three

⁸ United States Postal Service Notice of Filing of Supplemental Documents for Inclusion in the Administrative Record, July 18, 2013 (AR Supp); Notice of Filing of Supplemental Documents for Inclusion in the Administrative Record, July 19, 2013 (AR Supp2).

⁹ Petition for Review Received from Sharon Galluccio Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 19, 2013 (Galluccio Petition); Petition for Review Received from Marlene Keables Benda Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 19, 2013 (Benda Petition); and Petition for Review Received from George E. and Shari Bloch Regarding Glenoaks Station Post Office, Burbank, CA 91504, July 19, 2013 (Bloch Petition).

¹⁰ Public Representative Response to United States Postal Service Motion to Dismiss Proceedings, July 23, 2013 (Response to the Motion to Dismiss); and Reply to the United States Postal Service Motion to Dismiss, July 29, 2013 (Benda Response).

¹¹ Surreply of the United States Postal Service to Dr. Hutkins's Reply, August 5, 2013 (Surreply). Dr. Hutkins, Editor and Administrator of www.savethepostoffice.com, filed Petitioner Benda's Response on behalf of Petitioner Benda. Benda Response at 17.

¹² Participant Statement Received from Sharon Galluccio, July 31, 2013 (Galluccio Statement); Participant Statement Received from Victoria Lova, July 31, 2013 (Lovas Statement); and Participant Statement Received from Sharon Wright, August 5, 2013 (Wright Statement).

years have experienced a slight decline in receipts: \$12,206,413 in FY 2008; \$11,711,954 in FY 2009; and \$10,925,970 FY 2010. AR Supp 2 Item No. 23. Revenue has declined from \$1,219,252 in FY 2008, to \$877,111 in FY 2012. AR Supp Item 36 at 1.

On February 4, 2011, the Manager of Post Office Operations requested permission to investigate the possible closure of Glenoaks. AR Item No. 1. The request was granted. *Id.*

On March 21, 2011, the Manager of Postal Operations sent a Notification Letter (Notification Letter) to Glenoaks' customers, informing them of a proposed "change in service." AR Item No. 10 at 1. The Notification Letter gave Glenoaks Station customers the option of continuing to receive post office box service at the Burbank Post Office located at 2140 N. Hollywood Way, Burbank, CA, 1.4 miles away with retail hours of 9:00 am to 6:30 pm, Monday through Friday, and 9:00 am to 3:00 pm on Saturday. *Id.*¹³ It also informed customers that additional retail services were available through alternative channels such as the USPS website, stamp consignment locations, and Stamps by mail, fax, and phone. *Id.* Along with the Notification Letter were a questionnaire the Postal Service asked customers to complete and return by April 10, 2011, and an invitation for them to attend a public meeting on May 30, 2011, from 12:30 p.m. until 1:30 p.m., where Postal Service representatives would be available to answer questions and provide information about postal services, and patrons could express their thoughts and concerns about the potential change in service. *Id.* Of the 1000 questionnaires distributed to customers by the Postal Service, 132 were completed and returned; 33 responded favorably to the proposal; 83 expressed opposition or concern; and 16 expressed no opinion. AR Item No. 21 at 1; AR Supp 2 Item No. 23, at 4.

¹³ Glenoaks Station has 24-hour lobby access, but closes 1.5 hours earlier than the Burbank Post Office and has no window service hours on Saturdays. www.usps.com; AR Item No. 10 at 1; AR Supp 2 Item No. 40 at 1. In subsequent documentation, including the revised Final Determination, the Postal Service tells customers the Downtown Burbank Station, located at 135 E. Olive Street, Burbank, CA, will provide post office box services, while Burbank Post Office will remain responsible for administering postal service to the Glenoaks community and provide retail and nonretail postal services. AR Supp 2 Item No. 36 at 3.

A formal discontinuance proposal (Proposal) to close Glenoaks Station was forwarded to Glenoaks Station for posting for a period of 60 days, from June 9, 2011, through August 10, 2011. AR Item No. 23 at 3. On June 9, 2011, the Postal Service posted an invitation for Comments on the Proposal to Close Glenoaks Station. AR Supp 2, Item 23 at 2. One unfavorable comment regarding the Proposal was received. AR Item No. 26.¹⁴ A public meeting was held on May 30, 2011, as scheduled, with two customers in attendance.¹⁵

More than a year later, on June 20, 2013, the Postal Service posted a Notice of Final Determination to Close Glenoaks Station (Notice), stating that a Final Determination had been issued and providing customers instruction on how to appeal “this final determination”. Lova Petition at 2; AR Supp Item No. 38.

On July 2 and 8, 2013, Petitioner Group One filed petitions opposing the final determination to discontinue service at Glenoaks Station. On July 15, 2013, the Postal Service separately filed an Administrative Record and a Motion to Dismiss the appeal claiming no Final Determination had been posted and challenging the Commission’s subject matter jurisdiction.¹⁶ The Postal Service sent a letter instructing Glenoaks Station’s Officer-In-Charge/Postmaster to post the Final Determination from June 20, 2013 through July 22, 2013. AR Item No. 34. The Final Determination to Close Glenoaks provided in the original Administrative Record was signed by the Vice President of Delivery and Post Office Operations on July 15, 2013. AR Item No. 35, at 8. A revised Final Determination was approved by the Vice President of Delivery and Post Office Operations on July 16, 2013, included instructions to be posted July 16, 2013 through August 15, 2013, was round-stamped July 16, 2013, and did not include appeal rights and instructions. AR Supp at 2 and Item No. 36. The revised Final Determination stated the decision to discontinue service was based on: (1) the lack of

¹⁴ The Log of Post Office Discontinuance Actions states there were no comments to the Proposal. AR Item No 29.

¹⁵ The Community Meeting Roster contains no signatures but indicates that two customers were present. AR Item No. 11.

¹⁶ Motion to Dismiss at 1. These issues are raised in the Postal Service’s Motion to Dismiss and discussed by parties in their responses. The Public Representative’s Response to the Motion to Dismiss addresses each issue and will stand on its own. The Public Representative will not reargue these issues in these comments.

adverse affect on the community; (2) accessibility of nearby postal service sites; and (3) estimated economic savings of \$740,270 over the next 10 years. AR Supp Item No. 36 at 3. In the revised Final Determination, the Postal Service responded to the concerns expressed by postal customers. AR Supp Item No. 36 at 2.

IV. PARTICIPANT PLEADINGS

Petitioners. Petitioner Group One and Petitioners Group Two oppose the closure of Glenoaks Station. They argue that the Postal Service neglected to take into consideration the closure's effect on the community and claim use of the Burbank Post Office and Downtown Burbank Station is inconvenient and subjects them to long lines and limited parking. See Petitions Group One and Petitions Group Two.

Postal Service. The Postal Service argues: (1) the discontinuance of Glenoaks Station will not negatively impact on customers' access to or quality of postal service; and (2) closing Glenoaks Station will save an estimated \$740,270 over the next 10 years. AR Supp Item Nos. 36 and 38.

V. STANDARD OF REVIEW AND APPLICABLE LAW

A. Standard of Review

The Commission's authority to review post office closings provided by 39 U.S.C. § 404(d)(5). That section requires that the Postal Service's determination be reviewed on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions that it finds are: (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (B) without observance of procedure required by law; or (C) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does

not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.¹⁷

B. The Law Governing Postal Service Determinations

Prior to making a final determination to close or consolidate a post office, the Postal Service is required by 39 U.S.C. § 404 to consider: (i) the effect of the closing on the community served; (ii) the effect on the employees of the Postal Service employed at the office; (iii) whether the closing is consistent with the Postal Service's provision of "a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;" (iv) the economic savings to the Postal Service due to the closing; and (v) such other factors as the Postal Service determines are necessary. See 39 U.S.C. § 404(d)(2)(A).

In addition, the Postal Service's final determination must be in writing, address the aforementioned considerations, and be made available to persons served by the post office. 39 U.S.C. § 404(d)(3). Finally, the Postal Service is prohibited from taking any action to close a post office until 60 days after its final determination is made available. 39 U.S.C. § 404(d)(4).

1. Public Representative's Analysis

The Postal Service followed applicable procedures of section 404(d) and weighed the appropriate elements in the decision to close Glenoaks Station.

a. Effect on the Community

Petitioners argue the closing of Glenoaks Station will have a negative effect on their community and the postal services they receive. They claim patronizing other facilities is inconvenient, exposes them to crowds, and limited parking at the Burbank Post Office limits their access to postal services. See Petitioner Group One, Petitioner

¹⁷ Section 404(d)(5) also authorizes the Commission to suspend the effectiveness of a Postal Service determination pending disposition of the appeal. None of the petitioners in this proceeding requested suspension of the closure of the Peach Orchard Post Office.

Group Two, Galluccio Statement, Lova Statement, and Wright Statement. Their argument is not persuasive.

Glenoaks Station is an unincorporated community located in Los Angeles, County. AR Item No. 36 at 2. The community is administered politically by, and receives police and fire protection from, the City of Burbank. AR Item No. 6. There are multiple schools and churches that serve the Glenoaks community, which is comprised of students, retired persons, those who work in local businesses, and those who commute to work in nearby communities. *Id.*, Item Nos. 6 and 36 at 2; AR Supp 2, Item No. 41 at 1. Glenoaks customers are a part of the greater City of Burbank in Los Angeles, CA. Their questionnaire responses make it clear that they routinely travel outside their immediate community for employment and social purposes. AR Item Nos. 6 and 10. They have access to 50 locations within a 5-mile radius of the Glenoaks Station that provide postal services and among which they may exercise choice, should one be more crowded than the others.¹⁸ Travelling the 1.4 miles further to the Burbank Post Office or 1.7 miles further to Downtown Burbank Station, is not onerous given these factual circumstances.

The Postal Service is also preserving the Glenoaks community identity by continuing to use the community name and ZIP Code in customers' addresses and the Postal Office Directory. *Id.* at 2. Customers may opt to have carrier service, with carriers delivering packages that fit in customers' mailboxes and, if necessary, up to ½ mile off the line of travel onto a porch or under a carport. *Id.*

Pursuant to 39 U.S.C. § 404(b)(I), the Postal Service solicited input from the Glenoaks community with questionnaires, a community meeting on May 30, 2011, and request for comments to the 2011 Proposal. AR Item Nos. 21 and 11; AR Supp 2, Item No. 23 at 2. Out of the 1000 questionnaires distributed, 83 were unfavorable or expressed concern, two customers attended the community meeting, and only one customer raised concerns regarding the effect of the Proposal's consolidation on the community. AR Item No. 11; AR Supp 2 Item No. 23 at 2. The Postal Service sufficiently addressed Glenoaks customers' concerns in a May 3, 2013, letter and in its

¹⁸ www.usps.com; AR Item No. 4.

revised Final Determination, posted July 16, 2013.¹⁹ AR Item No. 12; AR Supp 2, Item No. 36 at 2.

While the Public Representative finds the Postal Service has considered and addressed the community's concerns, the Public Representative is nevertheless disturbed that the Postal Service held its community meeting on a federal holiday (an imprudent error at best, or an insincere gesture, at its worst), and that approximately a 2-year lag between the Postal Service's last solicitation for input and the revised Final Determination. However, Glenoaks demographics, community facts, and various postal choices in the immediate area are sufficient to show the closure of Glenoaks will not have a negative effect on the Glenoaks community.

The Public Representative finds that the Postal Service has adequately taken into account the closing's effect on the Glenoaks community. To ensure the Postal Service and Commission are not basing decisions on outdated information, the Public Representative urges the Commission to hold the Postal Service to task by requiring it to provide current communal data and input.

b. Effective and Efficient Service

Glenoaks customers will continue to have access to multiple postal services and facilities when Glenoaks Station closes. Downtown Burbank Station, located 1.7 miles away at 135 E. Olive Avenue in Burbank, California, will continue to provide post office box service to any and all of the 416 Glenoaks customers who wish to maintain it. AR Supp, Item Nos. 38 and 39 at 1. The Burbank Post Office will continue to provide retail and nonpostal services to as well as retain administrative responsibility for the Glenoaks community. AR Supp, Item No 36 at 1 and 3. According to the Postal Service website, there are a total of 10 Postal Service facilities and 40 alternative access sites within a five-mile radius of Glenoaks Station; 8 of these 40 are within a 0.6 mile radius of Glenoaks Station.²⁰ The metropolitan location and commuting nature of Glenoaks community, together with the close proximity of numerous postal service facilities, is

¹⁹ According to The Community Meeting Comments sheet, no concerns were recorded. AR, Item No. 24.

²⁰ www.usps.com; AR Item No. 4.

evidence that customers will continue to have access to effective postal service and the opportunity to exercise choice among them.

The Public Representative finds the Postal Service has adequately assessed the closing's effect on efficient and effective postal services available to the Glenoaks community, as required by 39 U.S.C. § 404(d)(2)(A).

c. Economic Savings

The closing of Glenoaks Station will simultaneously save the Postal Service thousands of dollars and provide consistent postal service to the Glenoaks community. The Postal Service estimates it will save an approximately \$74,270 a year, \$740,270 over 10 years, by closing Glenoaks Station. AR Supp Item No. 36 at 3. It derives this figure by summing the following costs: building maintenance (\$15,257), utilities (\$12,889), transportation (\$6,769), and EAS craft and labor (\$39,112).²¹ AR Item No. 8. There will be no savings or costs associated with providing alternative route service to Glenoaks Station customers. AR Supp 2, Item Nos. 8 and 36 at 3.

By closing Glenoaks Station, the Postal Service will save approximately \$74,270 a year, the profits that were earned by Glenoaks Station will likely be dispersed among the multiple nearby postal and alternative access facilities, and Glenoaks customers will not experience a decrease or interruption in their postal service. Upon review of the record in this proceeding, the Public Representative concludes the Postal Service has satisfied the requirement that it consider economic savings as required by 39 U.S.C. § 404(d)(2)(A)(ii) and (iv).

²¹ This assumes vacant management and craft positions are at the median salary range. AR Supp 2, Item No. 36 at 3. The postal service may have slightly inflated its yearly estimate by including salaries that may or may not continue to be paid to reassigned postal employees.

VI. CONCLUSION

For the reasons stated above, the Public Representative concludes the decision of the Postal Service to close the Glenoaks Station should be affirmed.

Respectfully Submitted,

/s/ Tracy N. Ferguson

Tracy N. Ferguson

Public Representative

901 New York Avenue, N.W.

Washington, D.C. 20268-0001

(202) 789-6844; Fax (202) 789-6891

Tracy.Ferguson @prc.gov